



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

December 12, 2024

By ECF

The Honorable Stewart D. Aaron
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Florence Immigrant and Refugee Rights Project, et al. v. United States Department of Health and Human Services, et al.*, No. 24 Civ. 6740 (SDA)

Dear Judge Aaron:

This Office represents Defendants United States Department of Health and Human Services (“HHS”), United States Customs and Border Protection (“CBP”), United States Immigration and Customs Enforcement (“ICE”), and United States Department of Homeland Security (“DHS,” and together with HHS, CBP, and ICE, the “Government”) in the above-referenced Freedom of Information Act (“FOIA”) action. We write jointly with Plaintiffs Florence Immigrant and Refugee Rights Project, the Center for Constitutional Rights, and L.B. (together, “Plaintiffs”) in response to the Court’s order to provide status updates every 30 days. *See* Dkt. No. 24.

This matter concerns FOIA requests Plaintiffs submitted to HHS, CBP, ICE, and DHS. These requests seek records concerning the use of dental and bone radiographs for the determination of ages of people in the custody of DHS, CBP, ICE, or HHS’s Office of Refugee Resettlement (“ORR”). The parties have met and conferred regarding the processing of these FOIA requests and provide the following status updates broken down by agency:

- **HHS:** The agency is working to identify responsive records and has begun conferring with Plaintiffs regarding possible narrowing of the FOIA request.
- **CBP:** The parties continue to confer regarding possible narrowing of Plaintiffs’ FOIA request. CBP intends to make further narrowing proposals and provide answers to Plaintiffs’ inquiries in the coming week.
- **ICE:** ICE made an initial production of two Excel spreadsheets responsive to Plaintiffs’ FOIA request on November 13, 2024, and intends to make a second such production by December 20, 2024. The parties also continue to confer regarding possible narrowing of Plaintiffs’ FOIA request. ICE will further provide a response to Plaintiffs’ inquiries in the coming week.
- **DHS:** Plaintiffs and DHS’s Privacy Office have agreed to the terms of a search for records responsive to Plaintiffs’ FOIA request. Plaintiffs have also requested that

DHS search its Office for Civil Rights and Civil Liberties (“CRCL”) and its Office of the Inspector General (“OIG”). CRCL and OIG are in receipt of Plaintiffs’ FOIA request and will provide substantive updates in the next joint status report.

The parties thank the Court for its consideration of this joint status report and will file their next joint status report by January 13, 2025.

Respectfully,

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